

June 12, 2007

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board (1103B)  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

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U.S. E.P.A.  
2007 JUN 18 AM 10:05  
ENVIR. APPEALS BOARD

Re: In Re: Hercules Incorporated  
CERCLA § 106(b) Petition

Dear Sir or Madam:

Enclosed please find an original and five copies for filing in the referenced matter. Please file stamp the additional copy and return to me in the enclosed preaddressed, postage-paid envelope.

If you have any questions regarding the enclosures, please do not hesitate to call me at the above number.

Very truly yours,



W. Gordon Hamlin, Jr.

Enclosures

cc: Sam Blesi, Esq.  
James L. Turner, Esq.  
Michael F. Rettig, Esq.

 ORIGINAL

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

ENVIR. APPEALS BOARD

2007 JUN 18 AM 10:05

RECEIVED  
U.S. E.P.A.

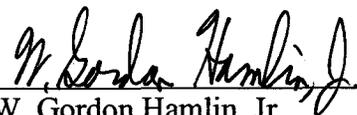
In Re: :  
: Hercules Incorporated, : CERCLA § 106(b) Petition  
: : No. 98-2  
: Petitioner. :  
:

**MOTION TO TERMINATE STAY AND TO WITHDRAW PETITION FOR  
REIMBURSEMENT PURSUANT TO 42 U.S.C. § 9606(b)**

The Courts have now denied, or declined to hear, the requests of Hercules Incorporated (“Hercules”) for relief on divisibility, administrative law, and constitutional law grounds. *United States v. Vertac Chemical Corp.*, 364 F.Supp.2d 941 (E.D. Ark. 2005), *aff’d*, 453 F.3d 1031 (8<sup>th</sup> Cir. 2006), *cert. denied*, \_\_\_ U.S. \_\_\_ (April 23, 2007) (No. 06-865).

Accordingly, Hercules moves to terminate the stay in this matter and to withdraw its Petition for Reimbursement pursuant to 42 U.S.C. § 9606(b) with prejudice. A proposed Order is attached.

This 12<sup>th</sup> day of June, 2007.

  
W. Gordon Hamlin, Jr.  
GA Bar No. 321412  
V. Robert Denham, Jr.  
GA Bar No. 217712

Powell Goldstein LLP  
One Atlantic Center, 14<sup>th</sup> Floor  
1201 West Peachtree Street, N.W.  
Atlanta, GA 30309-3488  
404-572-6600  
Counsel for Hercules Incorporated

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

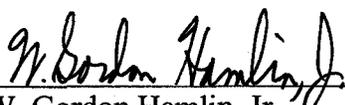
In Re:	:	
	:	
Hercules Incorporated,	:	CERCLA § 106(b) Petition
	:	No. 98-2
Petitioner.	:	
	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2007, the MOTION TO TERMINATE STAY AND TO WITHDRAW PETITION FOR REIMBURSEMENT PURSUANT TO 42 U.S.C. § 9606(b) was served on counsel by mailing a copy thereof, first class postage prepaid, to:

Sam Blesi, Esq.  
Environmental Enforcement Section  
Land & Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044-7611

James L. Turner, Esq.  
Senior Attorney  
U.S. Environmental Protection Agency, Region 6  
1455 Ross Ave., Suite 1200  
Dallas, TX 75202

  
\_\_\_\_\_  
W. Gordon Hamlin, Jr.

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Atlanta, GA 30309-3488  
404-572-6600

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

In Re:	:	
	:	
Hercules Incorporated,	:	CERCLA § 106(b) Petition
	:	No. 98-2
Petitioner.	:	
	:	

**ORDER**

Given that the underlying case has now been concluded, Petitioner Hercules Incorporated has moved to terminate the stay entered in this proceeding and to withdraw its petition for reimbursement with prejudice. There being no opposition from the United States, the motion is granted.

This \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_